

# **EXHIBIT “A”**

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 440-2022-02143	
<b>Illinois Department Of Human Rights</b> and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs) <b>Mr. Kamau Phillips</b>		Home Phone (Incl. Area Code) [REDACTED]	
Street Address [REDACTED]		City, State and ZIP Code [REDACTED]	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>RSM US LLP</b>		No. Employees, Members <b>500+</b>	Phone No. (Include Area Code) <b>(312) 634-3400</b>
Street Address <b>30 S. Wacker Dr., Suite 3300</b>		City, State and ZIP Code <b>Chicago, IL 60606</b>	
Name <b>EEOC 12/17/2021</b>		City, State and ZIP Code [REDACTED]	
DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below)		DATE(S) DISCRIMINATION TOOK PLACE Earliest _____ Latest <b>6/22/2021</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I, Kamau Phillips, am an African-American male. I was hired by RSM US LLP ("RSM") as consulting supervisor on July 27, 2017. I was quickly promoted to manager risk consulting. With pride of accomplishment, I was able to keep my utilization at 80% for billable hours.</p> <p>During my employment with RSM I noticed that I was being held to a higher standard than my Caucasian colleague, Brandon Morris, a manager on my team. My director, Cameron Jones, had me work 75% more charge hours than Brandon to increase the overall team hours but this requirement was not forced on Brandon and his charge hours were less than the minimum expected for the year 2020. This is just one example of how I was treated differently than my white colleague by my director. I raised this concern to a partner of the firm, Nick Hahn, via a phone call discussion on making me have more charge hours and not having that requirement for Brandon Morris was unfair. It got back to me that Cameron Jones was upset with me because Nick Hahn had raised the concern to his attention from another manager within the firm that Cameron complained to. After several instances of me noticing that my Caucasian co-workers were not being scrutinized for their legitimate shortcomings, I feared that because</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____ SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
12 / 17 / 2021 _____ Date		_____ Charging Party Signature	

**CHARGE OF DISCRIMINATION**

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Charge Presented To: Agency (or State or Local Agency) No(s):

☐ FEPA  
☒ EEOC

**Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was the only African-American employee, my work was being judged not on the basis of legitimate merit but based on the color of my skin.

Despite my great work, RSM was set on labeling me, the only black team member, a poor performer, without articulating the alleged deficiencies. RSM terminated my employment without notice on June 22, 2021.

I believe that my termination was discriminatory and retaliatory for my complaining of discrimination. In the prior rating cycle I was rated as 'Doing Great' and, while the current rating from my director, Cameron Jones, was neither formally nor informally communicated to me, I was never placed on a performance plan and no performance issues were ever brought to my attention. While I had 80% utilization, some of my Caucasian co-workers had only 20% utilization and they were not disciplined or even told they needed to improve. Also, just two weeks prior to my termination, I was one of the few African-Americans within the firm who were selected to be part of a first trial program to groom African-Americans into future leadership positions within the firm, indicating that many in the firm recognized my leadership capabilities and did not, in fact, find my performance to be lacking.

I suffered discrimination based on my race, African-American, in violation of Title VII of the Civil Rights Act of 1964, as amended. Specifically, I was held to higher standards and treated less favorably than a Caucasian employee on my team with only 20% utilization who was not labeled a poor performer or fired while I maintained 80% utilization and was expected to work 75% more hours; when I complained of the discrimination I was fired; my employer claimed that the reason for my termination was allegedly for poor performance, however, this was never brought to my attention prior to my termination and is not supported by my most recent performance evaluation nor the fact that I had been selected for a development program on the basis of my distinguished leadership capabilities.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

12 / 17 / 2021

Date

Charging Party Signature

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (5/01).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII or the ADA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.